

# **EXHIBIT E**

**From:** [Hudson Jobe](#)  
**To:** [Aaron Kaufman](#); [Farsheed Fozouni](#); [Keith J. Larson](#); [Amber M. Carson](#)  
**Cc:** [Campbell Sode](#); [Nathaniel Plemons](#); [Kay Ridenour](#); [Whitney Gillaspie](#); [Steven Gersten](#); [Alan Dabdoub](#)  
**Subject:** RE: McClain: CFSB discovery  
**Date:** Tuesday, April 29, 2025 5:12:37 PM  
**Attachments:** [image001.png](#)  
  [image002.png](#)

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This rule applies to attempts to seek 2004 discovery after an adversary has been filed. Do you have any cases saying that a party no longer has to comply with prior proper 2004 discovery order and subpoena after an AP is filed?

**Hudson Jobe**

**Board Certified in Business Bankruptcy**  
**Texas Board of Legal Specialization**  
**Direct: (214) 807-0563 | Cell: (214) 514-5656**  
[hjobe@jobelawpllc.com](mailto:hjobe@jobelawpllc.com)

**Jobe Law PLLC**

**6060 North Central Expressway, Suite 500**  
**Dallas, Texas 75206 | [www.jobelawpllc.com](http://www.jobelawpllc.com)**

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**From:** Aaron Kaufman <[akaufman@grayreed.com](mailto:akaufman@grayreed.com)>  
**Sent:** Tuesday, April 29, 2025 5:07 PM  
**To:** Farsheed Fozouni <[ffozouni@lynllp.com](mailto:ffozouni@lynllp.com)>; Keith J. Larson <[kjl@mpmfirm.com](mailto:kjl@mpmfirm.com)>; Hudson Jobe <[hjobe@jobelawpllc.com](mailto:hjobe@jobelawpllc.com)>; Amber M. Carson <[acarson@grayreed.com](mailto:acarson@grayreed.com)>  
**Cc:** Campbell Sode <[cocode@lynllp.com](mailto:cocode@lynllp.com)>; Nathaniel Plemons <[nplemons@lynllp.com](mailto:nplemons@lynllp.com)>; Kay Ridenour <[KRidenour@lynllp.com](mailto:KRidenour@lynllp.com)>; Whitney Gillaspie <[wgillaspie@lynllp.com](mailto:wgillaspie@lynllp.com)>; Steven Gersten <[sgersten@lynllp.com](mailto:sgersten@lynllp.com)>; Alan Dabdoub <[adabdoub@lynllp.com](mailto:adabdoub@lynllp.com)>  
**Subject:** RE: McClain: CFSB discovery

Good here. Thanks. Send a link.

Also, take a look at the attached opinion, which I found while multitasking on another call. Please do your own research before we speak. The law on this is pretty clear.

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**From:** Farsheed Fozouni <[ffozouni@lynllp.com](mailto:ffozouni@lynllp.com)>  
**Sent:** Tuesday, April 29, 2025 4:49 PM  
**To:** Keith J. Larson <[kjl@mpmfirm.com](mailto:kjl@mpmfirm.com)>; Aaron Kaufman <[akaufman@grayreed.com](mailto:akaufman@grayreed.com)>; Hudson Jobe <[hjobe@jobelawpllc.com](mailto:hjobe@jobelawpllc.com)>; Amber M. Carson <[acarson@grayreed.com](mailto:acarson@grayreed.com)>

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**Subject:** [EXTERNAL] Re: McClain: CFSB discovery

I can do Friday morning up until 11:30 as well. Let me know a time that works for you then.

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**From:** Keith J. Larson <[kjl@mpmfir.com](mailto:kjl@mpmfir.com)>  
**Date:** Tuesday, April 29, 2025 at 4:48 PM  
**To:** Aaron Kaufman <[akaufman@grayreed.com](mailto:akaufman@grayreed.com)>, Farsheed Fozouni <[ffozouni@lynllp.com](mailto:ffozouni@lynllp.com)>, Hudson Jobe <[hjobe@jobelawpllc.com](mailto:hjobe@jobelawpllc.com)>, Amber M. Carson <[acarson@grayreed.com](mailto:acarson@grayreed.com)>  
**Cc:** Campbell Sode <[cocode@lynllp.com](mailto:cocode@lynllp.com)>, Nathaniel Plemons <[nplemons@lynllp.com](mailto:nplemons@lynllp.com)>, Kay Ridenour <[KRidenour@lynllp.com](mailto:KRidenour@lynllp.com)>, Whitney Gillaspie <[wgillaspie@lynllp.com](mailto:wgillaspie@lynllp.com)>, Steven Gersten <[sgersten@lynllp.com](mailto:sgersten@lynllp.com)>, Alan Dabdoub <[adabdoub@lynllp.com](mailto:adabdoub@lynllp.com)>  
**Subject:** RE: McClain: CFSB discovery

I am also flexible on Friday. Please send some times that work on your end.

Keith

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**From:** Aaron Kaufman <[akaufman@grayreed.com](mailto:akaufman@grayreed.com)>  
**Sent:** Tuesday, April 29, 2025 5:45 PM  
**To:** Farsheed Fozouni <[ffozouni@lynllp.com](mailto:ffozouni@lynllp.com)>; Hudson Jobe <[hjobe@jobelawpllc.com](mailto:hjobe@jobelawpllc.com)>; Keith J. Larson <[kjl@mpmfir.com](mailto:kjl@mpmfir.com)>; Amber M. Carson <[acarson@grayreed.com](mailto:acarson@grayreed.com)>  
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**Subject:** RE: McClain: CFSB discovery

Deferring to Keith. I'm in hearings Thursday and am on calls tomorrow afternoon to prepare for it. Am flexible Friday late morning and beyond. You all really need to read the rules, though. You're not going to win on a motion to compel, and our client will be very unhappy if we have to waste money defending it.

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**From:** Farsheed Fozouni <[ffozouni@lynllp.com](mailto:ffozouni@lynllp.com)>  
**Sent:** Tuesday, April 29, 2025 4:43 PM  
**To:** Aaron Kaufman <[akaufman@grayreed.com](mailto:akaufman@grayreed.com)>; Hudson Jobe <[hjobe@jobelawpllc.com](mailto:hjobe@jobelawpllc.com)>; Keith J. Larson <[kjl@mpmfir.com](mailto:kjl@mpmfir.com)>; Amber M. Carson <[acarson@grayreed.com](mailto:acarson@grayreed.com)>  
**Cc:** Campbell Sode <[cocode@lynllp.com](mailto:cocode@lynllp.com)>; Nathaniel Plemons <[nplemons@lynllp.com](mailto:nplemons@lynllp.com)>; Kay Ridenour <[KRidenour@lynllp.com](mailto:KRidenour@lynllp.com)>; Whitney Gillaspie <[wgillaspie@lynllp.com](mailto:wgillaspie@lynllp.com)>; Steven Gersten <[sgersten@lynllp.com](mailto:sgersten@lynllp.com)>; Alan Dabdoub <[adabdoub@lynllp.com](mailto:adabdoub@lynllp.com)>  
**Subject:** [EXTERNAL] Re: McClain: CFSB discovery

Aaron,

I'm happy to discuss the matter with you in more detail. I can either do later tomorrow afternoon from 3:30 pm onward or Thursday pretty much anytime. Let me know.

Thanks,

Farsheed

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**From:** Aaron Kaufman <[akaufman@grayreed.com](mailto:akaufman@grayreed.com)>  
**Date:** Tuesday, April 29, 2025 at 4:37 PM  
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**Subject:** RE: McClain: CFSB discovery

I thought I was clear that we're open to discussions – did you send me times?

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**From:** Hudson Jobe <[hjobe@jobelawpllc.com](mailto:hjobe@jobelawpllc.com)>  
**Sent:** Tuesday, April 29, 2025 4:33 PM  
**To:** Aaron Kaufman <[akaufman@grayreed.com](mailto:akaufman@grayreed.com)>; Keith J. Larson <[kjl@mpmfirm.com](mailto:kjl@mpmfirm.com)>; Amber M. Carson <[acarson@grayreed.com](mailto:acarson@grayreed.com)>  
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**Subject:** [EXTERNAL] RE: McClain: CFSB discovery

Aaron – this is a different situation given that this is Debtor banking information that we need information involving transactions with third parties. And because we have a properly issued Order and subpoena prior to the adversary proceeding. Is it CFSB's position that it does not have to further comply with the prior subpoena now that an adversary proceeding against it has been filed? Please confirm and we can just proceed to the Motion to Compel on this legal issue.

Sincerely,

**Hudson Jobe**

**Board Certified in Business Bankruptcy**

**Texas Board of Legal Specialization**

**Direct: (214) 807-0563 | Cell: (214) 514-5656**

[hjobe@jobelawllc.com](mailto:hjobe@jobelawllc.com)

**Jobe Law PLLC**

**6060 North Central Expressway, Suite 500**

**Dallas, Texas 75206 | [www.jobelawllc.com](http://www.jobelawllc.com)**

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**From:** Aaron Kaufman <[akaufman@grayreed.com](mailto:akaufman@grayreed.com)>

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**Subject:** RE: McClain: CFSB discovery

Hudson –

We've already responded to your Rule 2004 examination. That resulted in the lawsuit that you filed last month. The adversary rules now supersede Bankruptcy Rule 2004—you don't get to take Rule 2004 discovery anymore. That said, I'm happy to visit with you to discuss how this new discovery request might fit into the pending adversary proceeding, particularly once CFSB has been dismissed. My client is entitled some due process and we're not interested in responding to a fishing expedition in the main case before there's been a Rule 26 conference or entry of an agreed scheduling order in the adversary.

Let me know some times that your group is available to discuss.

Thanks,

amk

**Aaron Kaufman**

**Partner**

Tel [469.320.6050](tel:469.320.6050) | Fax [469.320.6886](tel:469.320.6886) | [akaufman@grayreed.com](mailto:akaufman@grayreed.com)

1601 Elm St., Suite 4600 | Dallas, TX 75201

[grayreed.com](http://grayreed.com) | Connect with me on LinkedIn



# GRAY REED.

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**From:** Hudson Jobe <[hjobe@jobelawpllc.com](mailto:hjobe@jobelawpllc.com)>

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**To:** Aaron Kaufman <[akaufman@grayreed.com](mailto:akaufman@grayreed.com)>; Keith J. Larson <[kjl@mpmfirm.com](mailto:kjl@mpmfirm.com)>; Amber M. Carson <[acarson@grayreed.com](mailto:acarson@grayreed.com)>

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**Subject:** [EXTERNAL] McClain: CFSB discovery

Amber/Aaron/Keith –

As you know, CFSB was a depository bank for the Debtors and at least in the past had loans to the Debtors. The Trustee needs further production from CFSB regarding the McClain and affiliate banking accounts in order to further understand and investigate various case issues, including potential claims against third parties, unrelated to the pending claims against CFSB in the adversary proceeding.

The Trustee previously obtained the attached 2004 Order, served the attached subpoena, and received the attached objections/responses. The documents produced by CFSB are summarized in the attached document. In short, CFSB produced documents on Debtor accounts during a limited time period, no non-Debtor account documents, and limited communications.

My recollection is that CFSB suggested it had additional responsive accounts and other responsive documents, but wanted a protective order in place, which I don't think we have all followed up on from there.

The Trustee needs additional documents produced - additional time periods for Debtor accounts, documents on responsive non-Debtor accounts, communications, etc. I

understand that we need to discuss a PO. Additionally, we cannot tell who the payees are on the checks below. Can CFSB please provide additional payee detail – such as the banking and account information where these funds were deposited?

Lynn Pinker will be assisting the Trustee with further handling of the PO and obtaining this further information, so please copy everyone here on any follow up on these discovery issues.  
Thanks – hmj

Items	Company	Bank	Acct Ending	Posted Date	Check #	Bank Description / Notes	Debit Amount (Payment)
1	McClain Farms	Community Financial Services Bank	3786	04/20/18	21062	BLANK CHECK / NOT LEGIBLE	(107,061.24)
2	McClain Farms	Community Financial Services Bank	3786	04/10/19		CASH	(24,249.34)
3	McClain Farms	Community Financial Services Bank	3786	03/06/20		CASHIER CHECK	(58,000.00)
4	McClain Farms	Community Financial Services Bank	3786	07/14/20	26741	BLANK CHECK / NOT LEGIBLE	(20,000.00)
5	McClain Farms	Community Financial Services Bank	3786	09/15/20	25526	BLANK CHECK / NOT LEGIBLE	(50,000.00)
6	McClain Farms	Community Financial Services Bank	3786	12/04/20		FUNDS TRANSFER DEBIT	(85,025.50)

### Hudson Jobe

**Board Certified in Business Bankruptcy  
Texas Board of Legal Specialization**

**Direct: (214) 807-0563 | Cell: (214) 514-5656  
[hjobe@jobelawpllc.com](mailto:hjobe@jobelawpllc.com)**

### Jobe Law PLLC

**6060 North Central Expressway, Suite 500  
Dallas, Texas 75206 | [www.jobelawpllc.com](http://www.jobelawpllc.com)**

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**Keith J. Larson | Morgan Pottinger McGarvey**

**401 South Fourth Street, Suite 1200  
Louisville, KY 40202**

**Tel. 502.560.6758 | Fax 502.585.3498**

**<http://www.mpmfirm.com>**

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